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C O N F I D E N T I A L TEL AVIV 001271

SIPDIS

FOR EB/IPE SWILSON AND NEA/IP GLOGERFO; DEPARTMENT PASS TO
USTR CNOVELLI AND ESAUMS; DOC JBOGER

E.O. 12958: DECL: 03/03/2010

TAGS: [ETRD IS KIPR ECONOMY AND FINANCE LABOR AND COMMERCE ISRAEL RELATIONS](#)

SUBJECT: (C) IPR: ISRAEL TO PURSUE LEGISLATION ON PATENTS
AND IPR

1. (C) Minister of Industry and Trade Ehud Olmert called the Ambassador March 3 to say that the government will push ahead with pending legislation on patents and IPR. Since the legislation is attached to the budget bill, Olmert expected it to be adopted on March 16. In conveying this message, Olmert said he was frustrated that USTR had scheduled a video-teleconference on the outstanding data exclusivity issues on March 17. Olmert noted that, if the negotiations with USTR produce an agreed outcome, the GOI will amend its legislation accordingly.

2. (C) Ambassador said that Olmert has put the cart before the horse and that the GOI's decision to press ahead with the legislation appeared to render the March 17 negotiation meaningless. If it was as easy to amend the legislation as Olmert suggested, the Ambassador said it should be equally easy to hold off adopting the legislation and then deciding after March 17 whether to move forward.

3. (C) Olmert pushed back, saying that he had waited many weeks for a response from USTR and that, once the response had been delivered, it indicated no new ideas on the part of the USG with respect to the outstanding issues. Olmert repeated a familiar theme, that he had believed agreement had been reached last autumn with then-USTR Ambassador Zoellick, and the fact that the USG had pulled back from this agreement only added to his frustration.

4. (C) Comment: Unless we can signal to Olmert that the March 17 negotiations are likely to produce agreement -- meaning that we will bring new ideas to the table -- we don't see the value in pursuing those talks. If the negotiations do go ahead, Israel will come to the table with its position enhanced by a new law and with very little to gain from compromising on the law's provisions.

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